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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,044	06/27/2001	Robert J. Davies	GB000087	4207
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHANG, EDITH M	
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/893,044	DAVIES, ROBERT J.
	Examiner	Art Unit
	Edith M. Chang	2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5,6 and 8-12 is/are rejected.
 7) Claim(s) 4 and 7 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 December 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The indicated allowability of claims 1-5 is withdrawn in view of the newly discovered reference(s) to Hamilton et al. in view of Farris et al. Rejections based on the newly cited reference(s) follow.

2. The disclosure is objected to because of the following informalities:

For the formality of the application under the present office practice, applicant(s) is required to replace “Claims” with “I or We Claim”, “The Invention Claimed Is” (or the equivalent) before the Claims part of the specification of the instant application. See MPEP 608.01(m).

Claim Objections

3. Claims 1-12 are objected to because of the following informalities:

Claim 1, line 8: “the other slave station or slave stations is or are” is suggested changing to “the other one or more slave stations are”; line 9: “the or each slave station” is suggested changing to “the at least one slave station”; line 14: “the or each slave station” is suggested changing to “the other one or more slave stations”; line 15: “does not transmit an acknowledgement” is suggested changing to “do not transmit a positive acknowledgement”; line 20: “with the or at least” is suggested changing to “with at least”; line 23: “the or each of the slave” is suggested changing to “the other one or more of the slave”; line 24: “if it receives” is suggested changing to “if the master station receives”.

Claim 2, line 3: “the or each slave” is suggested changing to “the at least one slave”.

Claim 4, line 4: “the or each of the slave” is suggested changing to “the at least one the slave”; line 5: “has or have” is suggested changing to “has”; lines 6-7: “the or each of the slave” is suggested changing to “the other one or more slave”.

Claim 6, line 12: “an acknowledgement” is suggested changing to “a positive acknowledgement”; line 16: “or each slave” is suggested changing to “at least one slave”; lines 18-19: “more than one slave stations” is suggested changing to “the slave stations of the first state”.

Claim 7, line 6: “the or each” is suggested changing to “the at least one”; line 8: “or each slave” is suggested changing to “least one slave”.

Claim 9, line 3: “the slave” is suggested changing to “a slave”; lines 8 & 15: “if it does” is suggested changing to “if the slave station does”; line 18: “one time slot predetermined for the transmission a” is suggested changing to “the predetermined time slot for the transmission of the”.

Claim 11, line 3: “a positive” is suggested changing to “the positive”.

Claims 3, 5, 8, 10 and 12 are dependent on the objected claims 1, 6 and 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, lines 8, 13 & 15: "it does not need" does not clearly indicate what the "it" is; the Slave station in the first state? or the data?

Claims 7-8 are dependent on the rejected claim 6.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (US 6,392,993 B1).

Regarding claims 1, 6 & 9, in FIG.2, Hamilton et al. teaches a sending system (master station) and number of receiving systems (slave stations) with reliability techniques (column 1 lines 24-32, column 4 lines 39-41) in a multicast/broadcast IP network (column 1 lines 57-62), the sending system detailed in FIG.10 & 11 and the receiving systems detailed in FIG. 12 & 13.

At least one of the receiving system receives a normal (correct) Nth packet and returning the ACK to the sending system when the retransmitting is not required (as the first state, column 3 lines 33-42); and one other receiving system receive a corrupted packet (one of the 1 to N-1th

packet, column 3 lines 43-45) which does not require to transmit the ACK to the sending system and sends a NAK for retransmit the corrupted packet (as the second state, column 3 lines 49-51).

In FIG.11, step 214, the sending system listens the ACK and NAK (column 29 lines 60-66) from the receiving systems concurrently, in FIG.13, the one other receiving system sends the NAK in multiple packets (column 23 lines 51-53, can extend to the Nth packet) that the NAK at least partially concurrently with the ACK, while the message life is not expired (valid data, step 170).

Regarding claims 2-3 & 10-11, Hamilton et al. teaches the sending system setting (commanding) the ACK request flag in Nth packet (the first state) sending to the receiving systems.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al. (US 6,392,993 B1) in view of Farris et al. (US 6,721,306 B1).

Regarding claims 5, 8 & 12, Hamilton et al.'s system configuration comprises hand-held devices, and network PCs (column 5 lines 50-55), however Hamilton et al. does not explicitly specify the wireless technique used by the hand-held devices.

Farris et al. teaches the wireless gateway system (5 FIG. 1) comprising one or more of base stations (FIG. 1 5, column 6 lines 14-20) with wireless CDMA technique (column 7 lines 28-35) for the digital portable handsets (column 2 lines 22-27), and it is well known in the art that the portable handsets having the capability connected to the computer. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have the wireless CDMA technique implemented in Hamilton et al.'s sending and receiving system having the CDMA wireless capability in the cellular system for the purpose of offering data access in a signal integrated system (column 6 lines 30-35).

The modified/combined Hamilton et al.'s sending system (the base station) controls/commands the power level of the receiving systems (the mobiles) in the CDMA communication system.

Allowable Subject Matter

10. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least a mast station as a whole, the combination of elements and features, which includes means accessing the quality of at least one slave station in the first state, transmit acknowledgement when retransmitting is not required, having lower quality communication than the quality of at least one slave station in the second state, not transmitting acknowledgement

when retransmitting is not required and transmitting negative acknowledgement when retransmitting is required.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference Jung et al. (US 6,680,914 B1) describes the method of connecting a CDMA mobile station to a PC.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Edith Chang
May 13, 2005

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PRIMARY EXAMINER